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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,057	03/29/2001	Ursula Murschall	00/050 MFE	8999

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ProPat, L.L.C.  
2912 Crosby Road  
Charlotte, NC 28211

EXAMINER

NGUYEN, KIMBERLY T

ART UNIT PAPER NUMBER

1774

DATE MAILED: 02/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,057

Applicant(s)

MURSCHALL ET AL.

Examiner

Kimberly T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to the amendment submitted on December 6, 2002.

### ***Claim Objection***

Due to Applicants' remarks, the previous objection to the term "bisbenzoxazoles" is withdrawn.

### ***Claim Rejections - 35 USC § 112***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Due to Applicants' amendments, the previous rejection of claims 1-15 under 35 USC 112, 2<sup>nd</sup> paragraph are withdrawn.

### ***Claim Rejections - 35 USC § 103***

**Claims 1-7 and 12-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., U.S. Pat. No. 5,660,931 in view of Srinivasan, U.S. Pat. No. 6,309,987 B1 as previously stated in the Office Action submitted on July 19, 2002.

Applicants' amendments to the claims are seen as cosmetic only. Therefore, the rejection previously made continues to include the limitations of amended claims 1 and 12-16.

**Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., U.S. Pat. No. 5,660,931 in view of Srinivasan, U.S. Pat. No. 6,309,987 B1 and in further view of Tono et al., U.S. Pat. No. 6,410,122 B1 as previously stated in the Office Action submitted on July 19, 2002.

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**Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., U.S. Pat. No. 5,660,931 in view of Srinivasan, U.S. Pat. No. 6,309,987 B1 in further view of von Meer, U.S. Pat. No. 4,384,040 as previously stated in the Office Action submitted on July 19, 2002.

**Claims 9 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., U.S. Pat. No. 5,660,931 in view of Srinivasan, U.S. Pat. No. 6,309,987 B1 in further view of Yamazaki, U.S. Pat. No. 6,106,924 as previously stated in the Office Action submitted on July 19, 2002.

#### ***Response to Arguments***

Applicants' argument filed December 6, 2002 have been fully considered but they are not persuasive.

On pages 4-5, Applicants argue that Kim does not show the opaqueness, whiteness, low-flammability, good orientability, mechanical properties, optical properties, low Yellowness index, high UV resistance, and that the film does not embrittle at high temperatures as in the instant invention. This argument is not persuasive because Kim in view of Srinivasan, Tono, Meer, and Yamazaki show the same components and as such, would have the same properties as in the instant invention, absent any evidence to the contrary.

On page 5, Applicants argue that Kim does not show flame retardants and that it would not be obvious to look to Srinivasan to cure the deficiency. This argument is not persuasive because Kim looks to provide heat resistance to the film and Srinivasan is used in combination with Kim to show that it is known to add such flame retardants to resist heat damage and to preserve the film. Srinivasan also shows that it is known in the art that flame retardants can be

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added to polyethylene layered substrates to protect them from weathering and excessive heat and flames in order to maintain its mechanical strength and appearance.

On pages 5-6, Applicants argue that Tono, von Meer, and Yamazaki cannot cure the deficiency in Kim in view of Srinivasan because the subject matter of claim 1 has not been rendered obvious. As discussed above, it is obvious to use a flame retardant in Kim in view of Srinivasan. Tono, von Meer, and Yamazaki are used with Kim and Srinivasan to show dimethyl methylphosphate as an effective flame retardant, cobalt blue or ultramarine dye, colorless or precipitated barium sulfate fine-particle powder, and a calcium stearate slip agent.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Nguyen whose telephone number is (703) 308-8176. The examiner can normally be reached on Monday to Friday, except on every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on (703) 308-0449. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

CYNTHIA H. KELLY  
SUPERVISOR, EXAMINER  
TECHNICAL CENTER 1700

